IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 437 OF 2005

Shri Murlidhar Vithoba Valhekar ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Balkrishna Joshi for the Applicant.
Shri V. B.Konde Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 18, 2005

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. I see no reason to depart from the conclusion reached by the trial court in rejecting the bail application preferred by the present applicant having regard to strong circumstances indicating the complicity of the applicant in commission of the crime. The prosecution case is corroborated by at least two witnesses. The allegation regarding participation of the applicant in the commission of the offence is corroborated by the statements of Bhau and Vikas, who have deposed that the applicant was

seen wearing blood stained clothes immediately after the incident. The said clothes are matching with the description of clothes given by the witness -Nabilal, who had occasion to see the incident from the distance but could not identify the assailant. Besides, the blood stained clothes, which were worn by the applicant, as well the blood stained knife have been recovered at the instance of the applicant. These are strong circumstances and viewed in the light of the motive regarding dispute over agricultural land coupled with the seriousness of the offence, not a case for bail. Hence, rejected.

3. As the prayer for bail has been rejected, and as the applicant is a senior citizen, the trial court is directed to dispose of the trial as early as possible, preferably within six months from the receipt of the writ of this court.

4. Ordered accordingly.

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